

THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 997

**The Cochin Municipal Regulation Amendment Bill.**

**Mr. Thomas Manjuran.**—I rise to present the Select Committee Report on the Cochin Municipal Regulation Amendment Bill.

**Secretary to the Legislative Council.**—I second it.

**Mr. Thomas Manjuran.**—I move that the Bill may be taken into consideration.

**Secretary to the Legislative Council.**—I second it.

**Mr. A. Sankara Podual.**—I rise to oppose the motion.

**Mr. Thomas Manjuran.**—This Bill, Sir, was referred to a Select Committee consisting of Messrs. M. Krishna Menon, P. Krishna Menon, A. Eadara Menon, Joseph Pettah, P. C. Varkey, Dr. A. R. Menon, Mr. P. Nilakanta Menon and the Government Advocate. The committee made a slight modification in the original Bill. I shall read the Select Committee Report:—

“We, the members of the Select Committee appointed to consider the Cochin Municipal Regulation (Amendment) Bill, have the honour to submit the following report:—

At the meeting of the Committee held on the 4th Kumbhom 1110 it was resolved to add the following words at the end of the proposed amendment to section 50:—

“Excepting motor cars seating not more than seven persons”.

The Bill was published in the issue of the Cochin Government Gazette dated 22nd December 1934.

Since the Bill has not undergone material alterations, we do not think that it requires re-publication.”

The original Bill reads thus:—

50. If the Council decides that a tax shall be levied on carriages and animals, the Chairman shall levy the said tax by half yearly instalments on carriages and animals kept or let out for hire within the Municipality at the rates not exceeding those mentioned in Schedule III.

In order to understand what that means, we have to go to the Municipal Regulation itself. I have explained all these matters once before. I shall briefly re-state the points again here. Now, section 50 of the Municipal Regulation reads thus:—

“If the council decides that a tax shall be levied on carriages and animals, the chairman shall levy the said tax by half-yearly instalments on carriages and animals kept or let out for hire within the municipality at the rates not exceeding those mentioned in Schedule III.”

Now, section 55 of the same Regulation says:—

"If the council decides that tolls shall be levied on vehicles and animals entering the municipality, such tolls shall be levied at the rates specified in Schedule IV.

Provided that no toll shall be leviable on any vehicle or animal—

(a) licensed or registered by the municipal council."

Now, the point is simply this. Reading those sections together, it would appear, as it has been recently held by the Chief Court, that with regard to motor vehicles, among others, that ply for hire and that are stationed in municipal limits, the municipality will have to issue licenses and when once licenses are issued, the first proviso to section 55 will apply, so that no toll can be levied on such vehicles. The result would be this. Let us take the case of a 22 seater bus which has now to pay a toll Rs. 2 every day. Supposing the bus get the privilege of having a license issued to it, it will have to pay only Rs. 200 per annum to the municipality and can escape the toll altogether which means that the bus owner will be making a net gain of Rs. 500 which certainly is very much against the existing practice and cannot be considered to be fair. After all, our municipalities mainly depend for their income on tolls.

**Mr. K. G. Nayar.**—There are no tolls in British India.

**Mr. Thomas Manjuran.**—But there, there is high taxation. If corresponding taxation is introduced here also, this Bill will be unnecessary. We have got the old rate of taxation, viz. Rs. 200 per annum. This anomaly arose because of certain exposition of the law by the Chief Court recently.

**Mr. A. Sankara Poduval.**—On a point of order, Sir, I take exception to the Law Member referring to the Chief Court decision as an anomaly. It is a perfectly sound decision.

**Mr. Thomas Manjuran.**—I really fail to understand why my Hon'ble friend is in such a mood. I never questioned the wisdom of the Chief Court at all. I said that the anomalous position has been the net result of the whole thing. The Chief Court has laid down the law. I do not say it is not correct. We are not sitting in judgment over the Chief Court decision. What I said is that as a result of the decision the longstanding practice which was bringing to the municipalities one of their means of sustenance has been jeopardised and the municipal chairman unanimously brought to the notice of the Government that if the law as interpreted by the Chief Court is allowed to continue, municipal administration would be seriously handicapped because their revenues would be substantially minimised. Invoking the aid of the Legislature in such cases is not

# THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 999

unknown. We cannot flout the authority of the Chief Court. The Chief Court has to interpret the law as it stands. If there is any mistake in the law, it is only the Legislature that can rectify it. The municipal chairman brought to the notice of the Government that if this anomaly is allowed to continue, there will be a serious handicap to municipalities. One can easily understand the force of that argument, when it is found that the Trichur municipality—one of the premier municipalities in the State—gets an income of Rs. 75,000 per annum from tolls, that is to say, about 50 percent of its total income. If all bus owners were to occupy bus stands within the municipal limits this Rs. 75,000 may easily be reduced to Rs. 10,000. According to the law as now interpreted, these buses have only to find habitation within the municipality to escape tolls. Certainly, Hon'ble Members will never consider it to be a very reasonable position.

**Mr. P. Raman Menon.**—In the British parts you say on account of the duty on petrol we are not to pay any toll. Are we paying it here.

**Mr. Thomas Manjuran.**—The price of the petrol includes the duty. In every place, it is the case.

**Mr. P. Raman Menon.**—Then why should we pay toll?

**Rama Varmha Tampuran.**—There are definite rules how that amount should be spent. Unless you agree to spend that amount according to these proposals they will never be given that amount.

**Mr. Thomas Manjuran.**—So that the situation is simply this. The Government do not consider it proper to allow the bus owners who have been ungrudgingly and unquestioningly paying this toll all along to take advantage of a decision of the Chief Court to get round their legitimate obligations. It is for the purpose of achieving that object that this Bill is introduced. During the course of the Bill through the Select Committee, the Chairman of the Trichur Municipality pointed out that it might probably be to the advantage alike of the municipalities as well as of the owners of private hire cars—what we call taxies—to be exempted from the operation of this Bill, and accordingly, the Committee has made this suggestion, exempting motor cars seating not more than 7 persons even though they are plying under G permits. Hon'ble Members will realise that this bill is not an attempt to introduce an impost for any benefit to the Government. Generally, there is that Government is trying to introduce taxation. Here, it is a purely democratic measure introduced at the instance of the Municipal institutions that

exist in this State. The Government do not stand to gain a single pie by introducing this Bill. If the Hon'ble Member for Trichur is under the impression that this is going to work hardship on anybody, I say this is only a democratic measure introduced because of the unanimous suggestions of all the municipalities of the State, suggestions which the Government thought, should, in fairness, be acted upon and suggestions which are in perfect conformity with longstanding practice. Hon'ble Members certainly will not desire that all the bus owners belonging to foreign States like Travancore and British India should migrate to Trichur, take bus stands there and escape tolls altogether. I hope Hon'ble Members will understand the spirit in which this legislation is sought to be introduced and readily pass it.

**Mr. P. Kumaran Ezhuthassan.**—May I know whether the parties to be affected, viz., the bus owners have been consulted in the matter?

**Mr. Thomas Manjuran.**—The Bill itself was published in the Gazette. Beyond that, I don't think that the parties were specially consulted.

**Dr. A. R. Menon.**—On a point of information. Mr. T. K. Nayar who is a bus owner was also a Member of the Committee.

**Mr. Thomas Manjuran.**—Government did appoint a committee consisting of 9 persons. The only available municipal chairman, & Mr. Nayar who, I believe, is a bus owner, were members of the committee. Mr. P. Krishna Menon was on the committee, Mr. Eachara Menon who was a chairman and who now is a city father was on the committee; Mr. Joseph Pettah, one of the leading economists in the State was on the Committee; Mr. M. Krishna Menon who is connected with a leading organisation of bus owners was on the Committee; Mr. P. Nilakanta Menon, the Commissioner of Police, was on the Committee.

**Mr. P. S. Kesavan Nambudiripad.**—May I know, Sir, whether there was any protest from the bus owners against this amendment?

**Mr. A. Sankara Poduval.**—Sir, I object to this Bill both in its original form and also in its amended form, because I am afraid the implications of this have not been fully explained either by the members of the Select Committee or by the Hon'ble Mover himself. It is a matter which vitally and very prejudicially affects the citizens of the State. I will explain how. It is a matter of no consequence to me whether the Bill has

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1001

been brought at the instance of the municipalities of the State or at the instance of the Government. I may at once point out that the law as it is enacted in the original Municipal Regulation was the law that was obtaining in all the municipalities of the Madras Presidency. Now, tolls were abolished and as a result some changes in the collection of revenues have taken place in the municipalities of the Madras Presidency. I do not know exactly whether the same rule obtains in the other Presidencies also. Speaking about the Madras Presidency, the law and the rules were precisely the same as they obtain here under the Municipal Regulation and Rules. Now, the Chief Court went into the question as to whether this double taxation as it is understood by the Chief Court, was justified according to the existing law and rules. They said no.

The Hon'ble Law Member pointed out that the Municipality has been collecting this revenue; which, as is obvious from the decision of the Chief Court, was an illegal collection of revenue. This is a contrivance devised whereby this amount would become available. Under the Municipal Regulation and Rules, licenses have to be issued for motor cars, buses and other vehicles if they are bonafide kept for use within the municipal limits. The municipality may refuse the license if the application be not bonafide. Suppose half-a-dozen bus owners from Madras take their buses into Trichur and ask for licenses to run the buses within the municipal limits as bona fide residents within the municipal limits, are the authorities bound to give licenses to them? The difficulty arose because our municipalities were indiscriminately granting licenses. That is not the spirit of the Regulation and rules. You must give licenses from the municipality in regard to these conveyances provided they are bonafide applicants as contemplated by the Regulation and rules. Suppose half-a-dozen bus owners come with buses and motor cars and want to evade the provisions of the law. The municipality can simply say "We won't grant licenses". It is because adequate attention has not been bestowed in this behalf by the municipality—I don't want to say which municipality—that all this trouble arose. Nobody can compel the municipality to grant a license, the object of which is to evade the provisions of the Municipal Regulation and rules.

**Dr. A. R. Menon.**—How do you know that?

**Mr. A. Sankara Poduval.**—You should make enquiries. Suppose in the first instance an investigation is made and it is found that it is not a bonafide case, you can refuse to grant license.

**Mr. Thomas Manjuran.**—Has my learned friend read the report in XXV Cochin.

**Mr. A. Sankara Poduval.**—I am not here to answer questions put by Members of the Treasury Bench. I refuse to be interrupted in the course of my speech. I am not craving the indulgence of any member from the Government bench. I am here in my own right. I am not bound down by any rules of procedure laid down by Government Members, the Law Member, or anybody else. I am only bound by the President's ruling. What seems to me, therefore is, it is to prevent an imaginary difficulty that this amendment is asked for. You should not grant licenses except to bonafide applicants and if the granting of licenses be confined to bonafide applicants, surely no difficulty would arise. I further contend for the position that the municipality has got the power to cancel the license, if the license be abused. I am supported by authority in that behalf.

**Mr. Thomas Manjuran.**—Where is the authority?

**Mr. A. Sankara Poduval.**—I am not arguing a case before a tribunal. If you want to know the authority, you may look it up yourself. I am also for maintaining the same position with regard to the grant of other licenses also, such as licenses for tea and coffee shops, O&D trade &c. I am supported in the view that the abuse of the license would entitle the municipality to cancel it. I say, therefore, if really it is possible for the municipality to see that licenses are not issued from the municipality as if these conveyances were meant for service within the municipal limits then, there would be no necessity for any change in the existing law.

There is no necessity even for the amendment of the existing law. As to the question of the Municipality losing money, there is no meaning in that, because tolls are a matter of contract between the Municipality and the persons who bid. The Municipality should make it clear that it is on those conditions that the tolls are put to auction.

**President.**—Will the amount be affected?

**Mr. A. Sankara Poduval.**—It will not be affected because the contractors would persist in collecting the maximum amount. It will be a very prudent and useful precaution against the abuse of granting licenses of this description. If you really make it clear that licenses are to be issued only on certain conditions and not otherwise and that they are liable to be cancelled when abused, it will be in the interest of the contractor to bring to the notice of the Municipality any abuse of the licenses. Now

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1003

therefore the Municipality does not lose, in my humble opinion, anything. It is a matter of contract between the Municipality and the toll-gate contractor and there will not be any hardship if the position be made perfectly clear. All difficulties in regard to the collection of these taxes arise from the fact that things are carried on in an unmethodical manner. Nobody has a clear notion of what to do, in the matter, neither the Chairman, nor its officers. Persons who go there are more or less placed in the same predicament. All difficulties arise because the contractual terms are not plainly explained to the bidders and to the rate-payers. If things are clearly set out, there will be no trouble and no great loss of revenue. After all, who is going to suffer? Really these proposed collections will be practically three or four times the legal levy. If the amendment be accepted the result would be an increase in bus-fare. The bus owners are not going to pay the extra charge from their pockets. It is the citizens and the travellers who would be made to suffer. That would be an indirect taxation upon bus passengers. If you raise the license fee, a proportionate increase will naturally be made in the bus hire charges by the bus owners and nobody could reasonably complain of it. There is no meaning in the Government Advocate's argument that the Government does not gain anything by the charge and that only the Municipality is profitted. But I submit that the public will be losers in the long run. The result is inevitable. This is an additional taxation on the people who travel in buses which ply into the towns. There is no necessity for any such amendment. There is no justification for it. There is no necessity whatever to get over any awkward situation which is presumed to have been created by the decision of the Chief Court. Upon these grounds I object to the original amendment and the amendment proposed by the Select Committee.

**Dr. A. R. Menon.**—Sir, I was listening very closely to the speech delivered by the Hon'ble Member for Trichur, one who has the inclination of presenting a case most clearly somehow or other did not succeed in making out a case. At least I was not able to follow his argument but perhaps it may be due to my dullness. But that does not apply in the case of the Government Advocate. Both of us have complained that we could not follow him closely.

He prefaced his remarks by one observation that because all the Municipalities jointly asked the Government that certain alteration or alterations should be effected to the law so that, there may not be two interpretations or an interpretation to

which they took objection on the ground because the Municipalities made representations to the Government, the Government should not have brought this piece of legislation. In the first place, any Government worth the name, any Government which takes any interest in Municipal administrations is bound to consider any representation jointly made by all the Municipalities. Otherwise Municipal administration would come to an end. The Municipality has no authority to frame laws. Government alone have that power. The Municipal Chairman representing the Municipal Council is only a vehicle to carry the conjoined opinion of the Council and the Council's opinion must prevail in all matters like this so long as you have entrusted them with the administration of civic affairs. But apart from that ground we shall also see whether there is a real case and whether we have made out a real case and whether this change in the law or a change in the interpretation is likely to cause so much heart-burn, anxiety and loss to our people. I can only say that I am as much interested as the Hon'ble Member to see that the people living in our jurisdiction should not unnecessarily be saddled with taxation. We are very particular to see that no vexatious taxation should be imposed upon the citizens within our Municipal limits. If we approach this question there is real reason why the interpretation given by the Hon'ble Chief Court should not be accepted by us. In every part of India the bus owners and motor car owners have to pay some contribution to the state for using the roads. In British India the rate is much higher than the one we propose to charge here or the one we have already charged here. They have to pay 7½ Rs. per seat per quarter.

**Mr. K. G. Nayar.**—They are now reconsidering the matter.

**Dr. A. R. Menon.**—I am speaking of the existing state of affairs. Whatever it is, we have a certain standard. We have fixed a certain standard and we have to consider whether we are increasing that rate. We are not increasing that rate. We are only regulating it. Why do we want this. Because it will be advantageous from the point of view of the bus owners themselves. My friend who is a bus owner was a Member of the Committee. He has not raised any objection nor he is raising any now. He could not. I will tell you how. If a bus owner has got a house on a rent of five or six rupees within the Municipal Limits he has only to pay Rs. 200 per year. Now for a bus coming from outside to the town every day, has to pay Rs. 2. The result is the bus owners find it very difficult to compete on equal terms, because the buses within the town have certain advantages over

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1005

the buses coming from outside the town. They therefore resort to take houses on a rental of seven or eight rupees a month thus making themselves residents within the town and thereby getting the advantage of a citizen living within the town. What is their 'bonafide' in it? We have been hearing the word 'bonafide' half a dozen times. How will you get over this difficulty? When a man takes a house within the Municipality and pays the Horse-tax how can you say that he is not a citizen of the town, though we know for certain that he has deliberately done this for this purpose. There were three cases that came to our notice. Therefore it is not an imaginary case. Therefore in order to have a uniform practice it is absolutely essential to have this amendment passed. Either all must be taxed at the toll gate or all must be given licenses which is obviously an impossibility. We were very careful in restricting this to buses only. I myself raised the point that even taxi cars should not be brought under this head. There is a difference of opinion on this point between the Ernakulam Municipality and ourselves. We do not want the motor cars and the taxi cars to be brought under the operation of this rule. We want only the buses to be brought under the operation of this rule. From the point of view of the bus owners themselves it is very essential. Also from the point of view of the Municipality it is essential. With the advent of buses and cars the use of horse vehicles and other carts is very much reduced. Therefore the main source of income of the Municipality from the tolls consists of the money got from the buses. Without collecting these tolls it is very difficult to keep the roads in proper condition and the same principle is adopted by the Travancore Government and the Mysore Government and if this law is acceptable and reasonable in those places, I do not know why it is so unreasonable here alone. The most appropriate form of collecting taxes is that he who uses the road most, must pay for its maintenance. Perhaps you levy the license fee, you collect the money from a man who uses the road every day and also from a man who uses it only occasionally. Both have to pay the same rate. Whereas if you collect it at the toll gate the man has to pay the tax only according to the time he uses it. It is a more reasonable and equitable way of collecting tax through the agency of the toll gate than by license. Then it may be asked why do you issue licenses at all. Licenses are issued because under the Municipal Regulation, anybody who keeps a vehicle shall take a license and the Municipal Council has no authority to refuse licenses. If you do that you will be encouraging the violation of the Municipal Law. It is a

compulsory provision; because a person may use a car or a rickshaw or a horse carriage within the municipal limits without going outside. Then how we are going to get a portion of the revenue from him. Therefore it is enacted that no one living within the Municipal limits and using vehicles should not remain without taking licenses. It is obligatory; it is compulsory. That is the reason why when bus owners staying within the town and demanding licenses that we cannot under the existing law refuse such a request.

**President.**—Is that so?

**Rama Varmah Tampuran.**—Yes, under section 50.

**Dr. A. R. Menon.**—Now these are the reasons, why we want this change. The House will note that we have not made any change from the existing practice. We are not issuing any licenses now. In order that this question may not arise again we want to make this alteration, and therefore we addressed the Government. The House should not go with the impression that by this change we are seeking to get more from the bus owners. We will not get one pie more than we are getting. There shall not be a case in a court of law. It is only to protect us from any vexatious law suit that we have approached the Government with the request that these changes should be enacted. The Government very correctly conceded the conjoined, and unanimous opinion of all the Municipalities accepted our suggestion and enacted the law. I fail to see why the House should take a hostile attitude unless it has been clearly proved to the house that it adversely affects the people and also adversely affect the bus owners and that it is against all principles and canons of taxation.

**മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ.**—സർ, ഈ റെഗുലേഷനും ഇതുപോലെ മറ്റുള്ളവയെ ചിലതിനും ഒരു ശരിയായ പേരു പറയുകയാണെങ്കിൽ “പിടിച്ചുപറി റെഗുലേഷൻ” എന്നുവേണം പറയുവാൻ. വേറേയും ഇതിന്നു പലതരത്തിൽ പേരുകൾ പറയുവാനുണ്ട്. ബസ്സുടമസ്ഥന്മാരിൽ മിക്കവരും അവരുടെ തറവാട്ടു സ്വത്തുകൂടി പണയം വെച്ചിട്ടാണ് ബസ്സ് വാങ്ങിയിട്ടുള്ളത്. എന്റെ മാതൃ സ്റ്റേഷനിൽനിന്നു പ്രസംഗത്തിൽ ബ്രിട്ടീഷിൽ മൂന്നു മാസം കൂടുമ്പോൾ ഓരോ ബസ്സുകാരും ൧൦൦൦. വീതം കൊടുത്താൽ മതിയെന്നും പിന്നെ യാതൊരു ഭീകരിലും അവർ ചൂക്കം കൊടുക്കേണ്ട ആവശ്യമില്ലെന്നുമാണ് അദ്ദേഹം പറഞ്ഞത്. അപ്പോൾ കണക്കുപ്രകാരം മാസത്തിലൊരിക്കൽ ൧൦൦. പ്രകാരം ആകുന്നുണ്ട്. എന്നാൽ ഇവിടത്തെ റൂറൽപ്രകാരം മുനിസിപ്പാലിറ്റി ടോൾ കൊടുക്കുന്നതായാൽ നൂറുക. ആകുന്നുണ്ട്. വളരെ ധർമ്മിയന്മാരുള്ളതായ ഈ രാജ്യത്തു ബ്രിട്ടീഷിലേക്കാൾ കൂടുതലായി പത്തു രൂപ വാങ്ങിക്കുന്നു.

# THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1007

എനിക്കു ഇതിനെ സംബന്ധിച്ച് വലിയ നിശ്ചയമൊന്നുമില്ലെങ്കിലും എന്റെ പ്രഥമദൃഷ്ടിയിൽ അവിടുള്ള സംഗതിമാത്രം ഇവിടെ പറയാം. എറണാകുളം മുതൽ പേപ്പതിപ്പാറവരെ ഓടുന്ന ബസ്സുകൾ ധാരാളമുണ്ട്.

**Dr. A. R. Menon.**— I may correct you that it is 7½ rupees per seat per mensem and not for a quarter.

ആ ബസ്സുകൾക്കെല്ലാം ദിവസമൊന്നിന്നു രൂപാ വീതം ടോൾ കൊടുക്കണം. അങ്ങിനെ രൂപാ വീതം ദിവസം ടോൾ കൊടുക്കുന്നുണ്ടെങ്കിലും ഔണിന്നകത്തു് അവർ ബസ്സു നിറുത്തുവാൻ പാടില്ല. ഔണിനകത്തു നിറുത്തി എന്ന് പക്ഷെ വരുത്തിട്ടു രണ്ടു രൂപാ തന്നെ കൊള്ളണമെന്നാണ് അവരുടെ നിബ്ബന്ധം. ഇതിനാണ് ഞാൻ “പിടിച്ചുപറി റെഗുലേഷൻ” എന്ന് പറഞ്ഞത്. ഇപ്പോഴുള്ള ടോൾ മുഴുവനും തന്നെ എംബോളിഷ് ചെയ്യാൽ കൂടി തക്കേടിലെന്നാണ് ഞാൻ പറയുന്നത്. ഈ സാധുക്കളുടെ ഇടയിലുള്ള ഭാരം എത്രത്തോളം കുറക്കാമോ അത്രത്തോളം കുറക്കുകയാണ് വേണ്ടത്. എന്നാൽ ഇവിടെ എത്രത്തോളം കൂട്ടുവാൻ വഴിയുണ്ട് എന്നു ആലോചിക്കുന്നുള്ളു. അതു ശരിയല്ല.

ഞാനും ഈ കമ്മററിയിലെ മെമ്പറായിരുന്നു. ഇതു വേണ്ട എന്ന് പറഞ്ഞിട്ട് ആരും കേട്ടില്ല. എങ്കിലും ഇതിലെ സംഗതികൾ മുഴുവൻ ആലോചിച്ചിട്ടു ചെയ്യാൽ തരക്കേടില്ല.

**Mr. P. Krishna Menon.** — Sir, Hon'ble the Law Member read out the names of the gentlemen who constituted the Select Committee in this matter. I believe it was done by way of compliment to them because as they had some experience in these matters they would have naturally considered the matter very carefully and would not have come to a hasty conclusion. I believe that was the object. But as to the attitude of the individual members of the Select Committee a specimen has been given by my Hon'ble friend Mr. Krishna Menon who was one of them. I too in a way occupy that same position and in occupying that position I may remind the Hon'ble Law Member of the observations he himself made when I made some remarks in the Select Committee.

**President.**—Has that any relevancy to the Bill.

**Mr. P. Krishna Menon.**—Yes. Because he himself was surprised when I made some remarks in that line though I was in charge of a Municipality for some time thereby hinting that it was prejudicial to the interests of the Municipality. He was surprised to hear that coming as it did from me. Therefore therein he paid a compliment to me by saying that he did not expect me to make any remark prejudicial to the interests of the Municipality. That is the relevancy. When he is of that same

opinion I too echo that opinion. The few remarks that I am going to make today is not because I am disinterested in Municipal matters but because I am interested in certain other matters as well. In fact I may say that at this stage I do not want to oppose the motion as a whole. I had chalked out a plan for adoption by me which was a request to recommit the Bill to the Select Committee under Rule 37 clause (c) which says that a recommitment may be done to incorporate additional provisions in the Bill and the additional provisions that I wanted to incorporate will show the reasons why I wanted the recommitment. All that I wanted by the recommitment to the Select Committee was, that the amendment shall not be applicable to those Municipalities which do not allow reasonable use of the Municipal roads and do not provide convenient arrangements for cars and buses to stand within the Municipal limits. The House must remember one thing. But before that, certain facts are to be noted which will be relevant to the motion before the House.

**Rama Varmha Tampuran.**—Why should there be a recommitment. This could have been made by moving an amendment.

**Mr. P. Krishna Menon.**—I anticipated that: if there is an opposition why should I be deprived of that opportunity of trying to get that in.

**President.**—The question seems to be whether there should be a distinction between buses kept within the Municipal limits and those coming from outside. It is for that distinction that this Bill is introduced. But if the amendment is to be pressed it will apply only to one set and they will still have to pay. I only suggest that the amendment is to the Regulation itself.

**Mr. P. Krishna Menon.**—Therefore I am trying to see that the motion as now put forward is accepted by the House. It is only for that purpose I am speaking now. It will be found that as a matter of fact the law compels the Municipalities to grant licenses to those vehicles which are kept within the Municipality. That was the original law. That was the practice also, and so far as the Ernakulam Municipality is concerned, I am sure of that. After some time they began to refuse licenses and then one of the applicants to whom license was refused went to the Court and it resulted in 25 Cochin which has been referred to just a moment ago. There the Hon'ble Judges of the Chief Court held that those in dispute are kept within the Municipal limits and they ought to be licensed. There is no other go for the Municipalities, and I know that the Municipality was ordered to pay compensation by way of damages for the refusal. No doubt

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1009

some of the Hon'ble Members have been referring to the fact that we are only trying to legalise the existing practice. That was more or less the trend of the observations that were made. What has been the result of legalising that practice. True for some years past the bus-owners were compelled to pay daily tolls. What is the result now? How many bus services that were running from Kottayam to Ernakulam—half a dozen or more—have stopped running? What is the result? Passengers are certainly put to inconvenience. Therefore this attitude of the Municipality in refusing licences for buses kept within the Municipality have driven away service men from the Municipality. Therefore townmen are put to difficulties because of the stoppage of the services, due to as my Hon'ble friend the Member for Irinjalakuda put it “പ്രശ്നം” that is now going on. No doubt there may be some difference of opinion in the financial aspect of the question. I am certainly at one with the Hon'ble Member for Cheruthuruthi when he referred to the circumstances obtaining in Trichur. For this reason there has been the provision of a very substantial bus-stand giving all sorts of conveniences to the passengers with proportionate remuneration and benefit to the Municipality. That I can very well understand.

A reasonable payment will be made by everybody if there is a corresponding return for the payment. What is the return, as observed by Mr. Krishna Menon that those service buses get from the Ernakulam Municipality except get into the sanctity of the Municipal limits. It is no more than half a furlong and for that use they have to pay at the rate of 2 rupees per day. Therefore as I said my amendment with regard to that will be put in proper form when that stage comes. If there is compensation for the payment that one makes there will be no difficulty whatever. Take the case of the Ernakulam Municipality. There are about 18 to 20 miles of road in the town of which only half a furlong is made use of by service buses. Take the case of the Mattancheri Municipality? Has anybody enquired into the present practice. All these buses are parked behind that banyan tree there. I am speaking with information on the subject. No toll is paid. Some deposit is taken by the Municipal authorities and they are allowed to run. For parking under the banyan tree three annas used to be charged before. But now it is not being paid. Therefore in fact nobody pays and nobody enjoys the benefit. The toll contractors are refused permission to collect tolls on the ground that there is a deposit in the Municipal funds. Municipality does not give a license because there is this 25. Cochin. Therefore the whole thing is in a mess but to get over all that certainly this amendment is of absolutely no

use. Something more substantial has to be done. In the absence of that I have another card to play.

I invite your attention to a recent speech delivered by the President of the Automobile Association, Bombay Mr. H. E. Ormerod. I am not going to read it. The net result of that speech is to the effect that a man who uses one gallon of petrol pays a tax of 24.5 annas a year. Therefore you will see more or less the cost on which these service buses are running. Instead of giving them facilities if we put taxation in this form the net result will be they will be driven out of the State. It has been demonstrated to us for example the buses from Kottayam to Ernakulam have ceased to run. Therefore at this stage I would support the opposition of my Hon'ble friend for the passing of this bill.

**Mr. K. G. Nayar.**—Sir, I also wish to oppose this motion and support my Hon'ble friend for Trichur in his opposition. The Hon'ble Member for Law would have this House believe that it is a most democratic measure based on two grounds (1) to get over an anomalous situation created by the recent pronouncement of the Hon'ble Chief Court of Cochin and secondly in the interests of the Municipalities themselves. The Hon'ble Law Member would have us believe that when all the Municipalities in the State put forward a common cause then the Government must also necessarily try to see that the Municipalities are not deprived of their due sources of income and it is but appropriate on the part of the Government to introduce legislation on the floor of this House to get over any difficulty that may stand in the way of Municipalities from realising their sources of income. The propositions are quite good but the implications involved in passing this motion are too heavy on the poor tax-payer. The two relevant sections are Sections 50 and 55 of the Municipal Regulation. The one point that has been urged by the Hon'ble Law Member is this. "Here is a person living within the Municipal limits and who is forced by law to take recourse to licenses which are thrust upon him by the Municipality, and here is an outsider who comes as it were on a pleasure trip and he has only to pay a toll of 2 rupees a day and then he is off. Should a man living within the Municipality and a man living outside the Municipality be placed on the same level or should a distinction be made between them? If the same treatment is going to be meted out to them, is it justice or injustice that is being done? In British India after the abolition of tolls and the introduction of the Motor Vehicles taxation Act, at every sitting of the Legislative Council in Madras some one or other of the Members used to carry on the agitation against the Motor Vehicles taxation Act.

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1011

Even now there is a Committee appointed by the Government of Madras to go into the matter and formulate schemes to relieve bus owners and the great burden imposed upon them. As the Hon'ble Member for Vadakkancherri referred to an article by the Secretary of the Automobile Association, I also say that from the various reports which are published every quarter, one sees the hardship that these poor bus owners are put to. Taking the case of the State and not drawing similar parallels from British India, we are now to consider only two sections, Sections 50 and 55. Under Section 50 "if the Council decides that a tax shall be levied on carriages and animals, the Chairman shall levy the said tax by half-yearly instalments on carriages and animals kept or let out for hire within the Municipality at the rates not exceeding those mentioned in Schedule III." The most important thing to be emphasised is that if men living within the Municipality keep and let out or hire within the Municipality carriages for which they are to be taxed, the Municipality shall levy the said tax. When you come to Section 55 it is a case where "if the Council decides that tolls shall be levied on vehicles and animals entering the Municipality such tolls shall be levied at the rates specified in Schedule IV.

Provided that no toll shall be leviable on any vehicle or animal licensed or registered by the Municipal Council." The main point of distinction is that one is a case of compounding by the Municipality. A person who has got the right to take out his vehicle outside the Municipality instead of subjecting himself to the payment of a toll of 2 rupees, puts in an application and says that instead of a toll payment of 2 rupees per day he is prepared to compound the whole matter with the Municipality. This system was perfectly prevalent even when the Madras Motor Vehicles Act was enforced and the toll gates were in existence in the Madras Presidency, so much so that it was open to the discretion of the Municipality to issue licenses or not in appropriate cases judging each case on its own merits. Here is a case where a person in order to get over the difficulty of taxation happens to come over here on a certain day and then all on a sudden on a fine morning, says that he is going to rent a house here and ply the bus within the Municipality for hire. Will you refuse it?

**Rama Varmha Tampuran.**—The regulation allows it under Section 50 and it is just to give option to the Municipality that the amendment is brought.

**Mr. K. G. Nayar.**—Sir, the Hon'ble Secretary to the Government tells now, that under Section 50 it is given to the

Municipality to access. Well, the difference there, is this. Here is a man keeping and letting out for hire within the Municipality, buses at the rates mentioned under Schedule 3. But there is a distinction between vehicles kept within the Municipality and kept and plied for hire and a person coming from Kottayam or from Shoranur taking a vehicle within the Municipality and then saying I am also keeping a vehicle and it is kept for hire or plying out for hire within the Municipality.

**Mr. Thomas Manjuran.**—According to the decision of the Chief Court that case from Kottayam will fall under section 50. The Hon'ble Member thinks that the case that he has in mind of a person hiring a house for 10 rupees and saying that he is keeping a bus within the Municipality, will not fall under Section 50. But the decision is that it falls. That is the difficulty. The presumption of the Hon'ble Member is not true. The Court has decided that in such cases it is to be considered as having fallen under section 50 and once it is decided that way there is no option but to issue licenses.

**Mr. K. G. Nayar.**—Mr. President, I too have had the benefit of reading the judgment. The Judges of the Hon'ble Chief Court decided on the presumption that, that particular motor vehicle in question was kept within the Municipality. That is exactly what I mean by saying that each case ought to be judged on its particular merits. You cannot put forward that, as an argument to say, that every man who comes within the State must be bound by this law. Because if there is a good case made out for living within the Municipality, let them have it. This is a case of robbing Peter in order to pay Paul, persons who live outside the Municipality being compelled to pay.

**President.**—Suppose a bus is kept within the Municipality and another one outside the Municipality. Both are running every day into the town. Will not there be a distinction or anomaly if this amendment is not accepted?

**Mr. K. G. Nayar.**—Sir, I have quite caught the suggestion. There is no anomaly created by the situation because a man who keeps a vehicle within the Municipality comes in under the operation of Section 50 and a man who keeps it outside the Municipality under Section 55. So the only question of anomaly is more in our fear that every bus owner in order to have the benefit of section 50 may come in here, rent a house and get over the difficulty. That is the only possible apprehension or the imaginary anomalous position that can come in here.

**Dr. A. R. Menon.**—It was really a fact and I say it with authority.

**Mr. K. G. Nayar.**—There is no use of being vehement on this matter. When a matter of legislation involving a question of financial taxation affecting the ordinary citizens of the State is discussed we should not rush through legislation without taking into account the detrimental aspect of the same.

**President.**—The practice in all Municipalities except the Ernakulam Municipality was as if this regulation was in force.

**Mr. K. G. Nayar.**—I quite understand the position of those gentlemen who are mainly responsible for this legislation. Their case seems to be that almost every bus owner seems to hire a house within the Municipality and takes advantage of Section 50, compounds the whole thing with the Municipality and pays the consolidated amount. That has been the practice and this legislation only seems to recognise a long-standing practice.

**President.**—Licenses were not being issued in any Municipality except the Ernakulam Municipality and therefore bus owners were paying till now. Every bus owner will take advantage of the position and go out of the practice now.

**Mr. K. G. Nayar.**—The question of a bus owner trying to take advantage of a Chief Court decision by getting an abode within the Municipality so as to enable him to take advantage of section 50 and then take license by compounding with the Municipality and thus get over the other provisions of taxation, is now thought of for the purpose of legislation. I suppose that is the clear point. Section 50 gives the Municipality the power to levy taxes. "The Chairman shall levy the said tax by half-yearly instalments on carriage and animals kept or let out for hire within the Municipality at the rates not exceeding those mentioned in schedule 3" and according to section 55 the licensing authority is the Municipality and it is within the powers of the Municipal Chairman or the Municipal Council as constituted to grant a license or refuse a license.

**Mr. Thomas Manjuran.**—Sir, may I remove this misconception? It is an entire misapprehension to say that the Municipality has power to grant or refuse a license.

**Mr. K. G. Nayar.**—In the case of vehicle kept within the Municipality.

**Mr. A. Sivarama Menon.**—On a point of order, Sir, I most respectfully submit that this practice ought not be permitted.

When one Hon'ble Member is on his legs he should not be interrupted like this.

**Mr. Thomas Manjuran.**—If he intends me, I must say that I took special permission of the Chair before rising.

**Mr. A. Sivarama Menon.**—I was speaking generally.

**Mr. Thomas Manjuran.**—The Chief Court has held that "the expressions" kept and let out for hire occurring in section 50 of the Municipal Regulation has not been defined in the Regulation. Under that section to render a carriage liable for taxation either one or the other of two conditions alone and not both need be satisfied, viz., (1) the carriage is one kept within the Municipality or (2) it is let out for hire within the Municipality. The only elements involved in the idea conveyed by the word 'keep' when used in connection with the keeping of a carriage are (1) a physical possession or a retention of a more or less permanent nature, (2) an immediate control of the same character and (3) a purpose consisting either in actual use for one's own enjoyment or otherwise or in the intention to so use when required". Now on this particular basis the Chief Court held that in all cases when any person pays the amount of tax due in respect of any carriage the Municipality shall grant him a license to keep such carriage for the period to which it relates. The result in that since the Municipality is under the law bound to give him license under Section 55, the municipal tolls cannot be collected on such vehicles.

**Mr. K. G. Nayar.**—Regarding this particular aspect of the case which the Hon'ble Law Member has with very much difficulty explained there is absolutely no difference of opinion. It is not a case where the Municipality has the right to grant or reject the license that we are taking into consideration. It is a case where the municipality has to issue licenses to vehicles kept or let out for hire within the municipality. No doubt the question of letting out for hire has not been defined in the municipal regulation. Nor has it been explained in the Motor Vehicles taxation act of British India but judged by case-law it has been explained in more cases than one. It is a case where bus owners or the drivers of buses solicit custom. So if it is a case of a bus owner or an owner of a vehicle keeping or letting out for hire his vehicle within the municipality and then soliciting custom as a hired vehicle then the municipality has no right to refuse licenses. So the municipality has to consider whether a person living outside the municipality and in order to evade a Rs. 2 toll will go over here within the municipality, engage a house, remain here, solicit custom and then ply the buses within

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1015

the municipality. If that is the case I think the municipality has no right to refuse license as contemplated in that ruling. But you cannot say that because there is a rule all the bus owners in British India and Travancore are going to take advantage of the decision reported in 25 Cochin and every one is coming to rent a house here in order to evade a few rupees toll which they have to pay only as when they come to the municipality. The only point for consideration is this. Here is a legislation that is rushed through the floor of this House. The highest tribunal of the state has given an interpretation and held that in the case of such and such bus owners the municipality shall levy the tax. In the case of section 55 there is a right to collect the toll and there is a right by which they can license the vehicles in which the case licensee need not pay the toll. There are the two enabling provisions. Some of my Hon'ble friends who happened to be the chairman of the municipal council seem to think that their quota of revenue will be seriously affected by this. In the case of tolls as was in British India it is a case of letting the tolls on contract. When the contractor comes and bids at the auction he stands to gain or lose. So far as the municipal toll-gates at Ernakulam are concerned there is only one person. In the case of these tolls the vehicle owner has only to pay that toll if he has not taken out a license. So, what is really being done by the municipality is this. They say 'look here it is the toll-gate contractor who stands to gain by these buses by paying these Rs. 2. On the other hand they want to get an additional income by compounding with these bus owners by asking them or by soliciting them indirectly by telling them' you can get over the difficulty of this payment of a toll of Rs. 2 at every time provided you pay us a consolidated amount half yearly.

**Dr. A. R. Menon.**—In that case the income will be much less.

**Mr. K. G. Nayar.**—I am aware of that situation. A contractor bids on a possible understanding that there may be a certain amount of revenue to him on account of the plying of certain number of buses every quarter. The municipality by introducing this system of compounding with the bus owners is really hitting them hard and the contractor loses. In proper cases where the contractor loses heavily there is a discretion in the municipal regulation given where the contractor may be made to pay the full amount or not. These exigencies will arise only in extreme conditions. What I say is you need not compound. It is only in cases of people resident within the municipality and plying or keeping a vehicle for hire that you may do it. If a man simply

comes on a pleasure trip from Malabar and enters the municipality do you mean to say that he is keeping it within the municipality for hire. So that what I say is, that decision does not in any way touch this question at all. On the other hand this resolution will simply be not a democratic measure but a most retrograde one paralysing as it were the motor industry of the Cochin State.

**Mr. P. S. Kesavan Nambudiri.**—Sir, I am surprised to find that the Hon'ble member for Nemmara has not fully understood the scope of the Chief Court decision. He says that sections 50 and 54 are enabling provisions. It is not a fact. They are compulsory provisions. The Chief Court also has said that they are compulsory provisions. There are two kinds of busses running within the municipality. Busses-let for hire and kept within the municipality are entitled as a matter of right to get these licenses from the municipality. On the other hand busses coming into the municipality carrying passengers and going out are not entitled to get licenses and they are liable to pay heavy duty by way of tolls. Why is this invidious distinction being kept by the Municipality? The buses kept within the Municipality are enjoying all the amenities of the Municipality. Therefore the municipality thought that this distinction should be done away with. But the Chief Court said it is not for them to make laws, they are there to administer law as it stands here at present. Therefore if you want to take away this distinction you can do it by making it an enabling provision. If you want to effect such a change you must go to the Legislature. That is the implication of the decision. Therefore it is as a result of that that this amendment is brought here. By this amendment the municipality is given power either to issue licenses or to levy tolls. So the invidious distinction between two kinds of busses namely those that are kept within the municipality and those that are kept outside is done away with by this amendment. Therefore I strongly support this amendment.

*The House rose for lunch at 2 p. m. and reassembled at 3 p. m. with M. R. Ry., A. Sankara Menon Avl., in the chair.*

**Mr. A. Sivarama Menon.**—Mr. President, Sir, The present amendment has created, no doubt, some difficulty in the course of the discussion. I feel, sir, that it is partly due to the fact that in the matter of the levy of the tolls the various Municipalities do not seem to have had a uniform practice; secondly, undoubtedly, and obviously on account of the recent decision of the Cochin Chief Court reported in 25 Cochin.

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1017

As I far as I have been able to study the facts, Sir, I think the position is this. In the case of the Trichur Municipality without doubt the practice was to insist on the payment of the tolls with regard to busses that used to be within the Municipal limits. In the case of the other Municipalities, especially Ernakulam and Mattancherry, the practice does not seem to have been uniform. At the same time perhaps at the earlier period some licenses were used to be given. Subsequently in Ernakulam and perhaps also at Mattancherry payment of tolls seems to have been insisted on. Then naturally the trouble began. When some complaints that started from some bus owners at Mattancherry were pending before the Diwan the case that started within the Ernakulam Municipality had been taken to the Chief Court. There, the question directly arose whether a bus that was within the Municipal limits, whether the owner of a bus kept or let for hire within the Municipal limits, had a right to insist on getting a license or was subject to the levy of the toll. The Chief Court decided by construing the words "Keep or let for hire within the Municipal limits" that the two conditions referred to need not both exist before the matter is disposed off, whether the bus-owner keeps it or plies it for hire within the Municipal limits. If he keeps it he is entitled to get a license and, therefore, the Municipality has no right to insist on payment of toll in such a case and the question of law became settled with the passing of that decision, viz., that if a bus owner happens to have a bus within Municipal limits whether it is meant for trade or for his business within Municipal limits or beyond Municipal limits he had under the Regulation a right to get a license on payment of the lower sum and thus enjoy the benefit of the lower payment whereas under another section any bus entering the Municipal limits had to pay a toll as per the strict language of the section. Under these circumstances a question certainly arises for the Government to decide whether they should deprive Municipalities that have been relying on large sums under this heading, viz., levy of tolls on owners of buses within Municipal limits of the benefit of that large income or allow the decision to go in and go to the benefit of all.

The purport and the object of the present amendment is obviously to enable the Municipalities to see that their income is not affected. I can at once concede that there may be cases where there may be hardship in the case of some bus owners especially if they, on account of the introduction of the levy of toll, had not been caring to go to the Municipal limits, if they want to do it now. But if, as I find, several bus owners have been paying tolls and then carrying on their trade, I am not satisfied that

they will be materially affected if they are not now given the benefit of the Chief Court decision and the Municipalities are deprived of this substantial income. I do not think that this House should now enter into the discussion of this amendment and the principles governing fiscal enactments. That, of course, will be a material consideration, if the result of passing this amendment will be to prejudicially affect the travelling public. To put my point clearly, if after the passing of this amendment a passenger says, leaving Trichur to some other place or, say roughly, leaving Ernakulam to some other place, has to pay an enhanced bus rate then he is prejudicially affected. But I am not, personally speaking, satisfied that there will be any material difference or any difference whatever in the bus rates even if this amendment comes into operation. I perfectly see that without the amendment persons engaged in this business will have a special advantage. I do not deny that. The question, therefore, is, whether in view of the certain advantage that will go to the bus owners if we now oppose the passing of this amendment we should take up the position of bringing the finances of at least some of our best Municipalities into jeopardy, because it is perfectly clear that especially in the case of some of the bigger Municipalities where the income under the toll is a substantial one—as it was mentioned by the Hon'ble Law Member—I believe that was confirmed by the Chairman of the Trichur Municipality that the income that Municipality is somewhere 75 thousand. In the case of such a Municipality as Trichur where the income under this head is 75 thousand the result of the Chief Court decision is to cut it down to something like 10 thousand. I believe this House has to take that aspect of the matter also into account, especially in view of the fact that even after the passing of this amendment the travelling public as far as the Trichur Municipality is concerned will not in any way be affected by way of being compelled to pay an enhanced rate of fare.

It seems to me, Sir, that in our anxiety to stand by our struggling brethren—because I am entirely at one with the view expressed here by the Hon'ble Member for Trichur as well as the Hon'ble Member Mr. Krishna Menon that the trade or the business carried on by our struggling brethren is somewhat pitiable—our sympathy towards them ought to find expression in some other form and I am not without hope that it is beyond us to go to their succour to see that they thrive in their business even if the Municipalities will not be reasonable because I think there is yet provision even under the existing Regulation for them to get some relief, even if the Municipalities refuse to give them license. I think under section 55 along with the rules

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1019

there is a right to enter into a contract with the Municipalities for these bus owners to agree to pay a lump sum instead of at the rate of Rs. 2 per day and so on and thereby get some partial relief. If they are not prepared to do that, we have to account for it in one or two ways. Either it may be that even with this relief they may not find the trade to be profitable or they may not care to carry on the trade. If surely partial relief is given and instead of having to pay Rs. 2 the average works out at Re. 1-8-0 or Re. 1-4-0 I don't see why the bus owners do not take advantage of section 55 and the rules. But even assuming that there is some hardship I think we have to think of ways other than now standing in the way of passing this amendment because I can envisage the position that the moment we refuse to give our sanction to this amendment at least some of the Municipalities will be most prejudicially affected. That will be the immediate result.

But with regard to these struggling bus owners, as they have been described not incorrectly, the struggle must cease and ways could be found. Surely we can find ways and means whereby we can make even the Municipalities to show further concession, by any one of us, if the Government will not move, by trying to propose some amendment of the Municipal Act. If I feel that the result of the passing of this amendment will be to bring about the state of affairs referred to by the Hon'ble Member for Trichur I am sure, I will be the last man to vote in favour of this amendment. I do not apprehend any such difficulty. While I feel and also believe that there will be some hardship in the case of a few bus owners the majority of them will not practically be affected by the passing of this amendment. Therefore, sir, in my humble view this House ought to support this amendment and if the Hon'ble Members who had been so good to point out the difficulties in the way of passing this amendment will continue to work towards finding some relief for these bus owners and I am sure we will be able to get some remedy ere long.

**Mr. P. Kumaran Ezhuthassan.**— Mr. President, Sir, In supporting the motion for consideration I wish to point out to the House that the version placed before this House by the Hon'ble Member who opposed the amendment, viz., that there is provision in the Municipal Regulation whereby the Municipalities concerned have the option to refuse the licence when it is asked for regarding carriages kept within the Municipality, is something which is not in the Regulation. Section 50 of the Municipal Regulation is the one sought to be amended. Section

50 says that with regard to carriages kept within the Municipality or let out for hire within the Municipality the Chairman shall levy a tax. It is this section that is sought to be amended by adding a proviso that motor vehicles covered by G permits including buses as well as cars will be exempted from the operation of section 50. That is the amendment originally proposed. Now the Select Committee has exempted cars with seating capacity of 7 persons from that amendment.

**Mr. A. Sankara Poduval.**—What is the justification?

**Mr. P. Kumaran Ezhuthassan.**—You may with advantage ask that question to any member of the Select Committee. I was not a member of the committee.

Section 55 says that with regard to carriages that enter the Municipality a toll shall ordinarily be levied with the proviso that such tolls shall not be levied upon vehicles that are licensed by the authorities. With regard to licensing there is no provision in the regulation as it stands. But the basis for provisions regarding licensing will be seen in section 63 of the Regulation which reads that the Government may after publication make rules regulating the levy of carriage and animal tax and it says that such rules shall be read as part of this chapter and shall have the force of law. The Government in pursuance of the power vested in them under section 63 have made certain rules. One of them is the rule regarding the licensing of vehicles kept within the Municipal limits and the rule which is pertinent to the present inquiry is rule 29 made by the Government which reads, "When any person pays the amount of tax due in respect of any carriage or animal the Chairman *shall* grant him a license". Therefore, there is no option allowed by the rules to refuse a license if it is asked for and section 50 enjoins upon the Municipal authorities to levy a tax upon any carriage that is kept within the municipal limits. Therefore, there is no doubt about the question. Even in the absence of the Chief Court decision referred to by some of the Hon'ble Members the position of the Municipalities is quite clear. They have to levy a tax. They cannot refuse license to a vehicle and if they have no right to refuse a license, license will have to be given to those who ask for it, with the result that the income of the Municipality derived from tolls will fall. The attempt on the part of the Government to supplement the resources of the Municipality or rather to see that the resources of the Municipality are not crippled is a laudable one and, therefore, I have great pleasure to support the motion for consideration.

THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1021

മിസ്റ്റർ ടി. കെ. നായർ.—സർ, ഈ ബില്ലിനെപ്പറ്റി ആലോചന ചെയ്ത സിലക്ടർ കമ്മിറ്റിയിൽ ഞാനും ഒരു അംഗമായിരുന്നു. ഒരു ബസ്സുമണ്ഡലത്തിന്റെ നിലയിൽ ഏൻറ പേർകൂടി ഇവിടെ എടുത്തുപറഞ്ഞ കാരണത്താലും ഇതിനുമുമ്പ് ഇതിനെക്കുറിച്ചു സന്ദർശിച്ച നിയമജ്ഞന്മാരുടെ വാദപ്രതിവാദങ്ങൾ കേട്ടിട്ട് ഭേദപ്പെട്ടുകൊണ്ടുമാണ് സംസാരിയ്ക്കുന്നതെങ്കിലും എന്റെ ചുമതലയെ ഈ അവസരത്തിൽ പറഞ്ഞുവസാനിപ്പിച്ചതെ നിവൃത്തിയില്ല. നിയമപുസ്തകം വായിച്ച് അത്ഥം വ്യാഖ്യാനിയ്ക്കുവാൻ എനിക്കു പ്രാപ്തിയില്ല. പൊതുവായ ചില സംഗതികളെക്കുറിച്ചു വല്ലതും ഹായാമെന്നുള്ള ധിക്കാരം മാത്രമേ എനിയ്ക്കുള്ളൂ.

ഒന്നാമത് മുനിസിപ്പാലിറ്റിയിൽനിന്നും ലൈസൻസോ ചുങ്കമോ വസൂൽ ചെയ്യുന്നതിന്റെ വിദ്യഭ്യാസം ഉൾക്കൊള്ളുന്നതാണ്. ഈ ബില്ലിലെ സെക്ഷൻ ൨൦ പലതും ഇവിടെ വായിച്ചുകേട്ടു. അതിലെ തപാ, ഏതെങ്കിലും മുനിസിപ്പാലിറ്റിയ്ക്കുള്ള റോഡുകൾ ഉപയോഗിയ്ക്കുന്നതായ വാഹനങ്ങളുടെ മേൽ അതാതു മുനിസിപ്പാലിറ്റികൾക്കു കൊടുത്തുകൊള്ളണമെന്നുള്ളതാണ്. എന്നാൽ മുനിസിപ്പാലിറ്റി റൂൾസ് ഉണ്ടാക്കിയ കാലത്ത് ബസ്സുണ്ടായിരുന്നെങ്കിൽ ഇന്ന് ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള അമേൻറമെന്റുകൾക്കുതെ കഴിയ്ക്കാമായിരുന്നു. പതിനാലു കൊല്ലം മുമ്പ് ഈ കൊച്ചി രാജ്യത്തു ബസ്സു സർവ്വീസുണ്ടായിരുന്നില്ലെന്ന് പോലീസ് കമ്മീഷണരെക്കൊണ്ടു വേണമെങ്കിൽ സാക്ഷ്യപ്പെടുത്തുവാൻ സാധിയ്ക്കും. അന്ന് കാർ, റിക്ഷാവണ്ടി, കുതിരവണ്ടി, പോത്തുവണ്ടി മുതലായ വാഹനങ്ങളേ ഉണ്ടായിരുന്നുള്ളൂ. അതുകൊണ്ട് അവയുടെ ഗുണഭോജകർ മാത്രമാണ് റഗുലേഷനുകൾക്കു വേണ്ടി ആലോചിച്ചിട്ടുള്ളത്. ഇപ്പോഴാണ് ഈ ബസ്സുസർവ്വീസിനെപ്പറ്റിയുള്ള കഴുപ്പങ്ങൾ വന്നത്. ഇവിടെ മുനിസിപ്പാലിറ്റികൾക്കുള്ളിൽ നില്ക്കുന്ന ബസ്സുകൾക്കു ലൈസൻസു കൊടുക്കുന്ന സംഗതികളെപ്പറ്റി ഞാൻ ധരിച്ചിരുന്നതിൽ തെറ്റായ ചില സംഗതികൾ ഇവിടെ പ്രസ്താവിച്ചുകേട്ടു. അത് ഉടമസ്ഥന്മാരുടെ നിർദ്ദേശംകൊണ്ടുണ്ടായതല്ല. ഈ നിയമം ഇപ്പോൾ ഇവിടെ പാസ്സാക്കുകയോ തള്ളുകയോ ചെയ്തിട്ട് ചീഫ് കോർട്ട് വിധിപ്രകാരം ഔദ്യോഗിക ബസ്സുകളെല്ലാം ലൈസൻസു എടുക്കണമെന്നു വന്നാലും അതിന്റെ എണ്ണം വളരെ ചുരുക്കമേ ഉണ്ടാകയുള്ളൂ. ഇതിന്റെ ഗുണഭോജക പോലീസ് കമ്മീഷണർക്കു നല്ലവണ്ണം മറിയാം. അദ്ദേഹം ബസ്സുകളെ സംബന്ധിച്ചു വല്ലതുമെഴുതിയാൽ അത് അതിന്റെ ജാതകമാണ്. പ്ലാർട്ടിംഗ് സ്റ്റേഷൻ, മുവിംഗ് സ്റ്റേഷൻ, കൈകാണിക്കുന്ന സ്ഥലത്തേക്കു നിറുത്തുന്ന സ്റ്റേഷൻ, ഹാൾട്ടിംഗ് സ്റ്റേഷൻ ഇങ്ങനെ പല നിർദ്ദേശങ്ങളോടുകൂടിയാണ് ഈ ബസ്സു സർവ്വീസു നടക്കുന്നത്. എന്നാൽ ഏതെങ്കിലും ഒരു ബസ്സുമണ്ഡലം തുറുവുപേരൂരിലോ മറ്റോ സ്ഥലം വാടകക്കെടുത്ത് ഇരിക്കുകയാണെങ്കിൽ അയാളെ അറിയിക്കാതെ പണിപറുക്കുവാൻ വിചാരിക്കുന്നത്

അമ്പലമാണ്. ചില സംഗതിവശാൽ ലാട്ടറിയെടുക്കുന്നതുപോലെ അഞ്ചോ ആറോ നറുക്കെടുത്തിട്ട് അതിൽ റൗണിലുള്ള രണ്ടോ മൂന്നോ പേർ കിട്ടുകയാണെങ്കിൽ ബാക്കിയുള്ളവർ റൗണിൽ അല്ലാതെ പുറത്തു് ഒരിടത്തും ബസ്സ് ഓടിക്കുവാൻ നിവൃത്തിയില്ലാതെ വരുന്നു; അതുകൊണ്ട് അങ്ങിനെയുള്ള കൂട്ടർക്കു് ആക്ഷേപമുണ്ടെന്നാണ് പറയുന്നതു്. പക്ഷെ അതു ശരിയാണെന്ന് എനിക്കു തോന്നുന്നില്ല. ഈ ഒരു സംഗതിയിൽ സത്തു് അധികമൊന്നുമില്ലെങ്കിലും നിയമസംബന്ധമായ വാദപ്രതിവാദമുണ്ടായതുകൊണ്ട് വല്ലതും ഉണ്ടെന്നുവേണം വിചാരിക്കുവാൻ. ചില ബസ്സുകൾ റൗണിൽ നില്ക്കുന്നുണ്ടെങ്കിലും അനേക ബസ്സുകൾ പുറത്തു് നിൽക്കുന്നു. റൗണിൽ വരുന്നതുകൊണ്ട് പോലീസ് കമ്മീഷണർ റൗണിൽ നില്ക്കുവാൻ അനുവദിച്ചിട്ടുള്ള ചുരുക്കം ചില ബസ്സുകാരോട് ലൈസൻസോ ചുരുക്കം വസൂലാക്കുതിരിക്കുവാൻ വഴിയുണ്ടോ എന്നു നോക്കേണ്ടതാണെന്ന് ഇവിടെ പറയുകയുണ്ടായി. അതിൽ യാതൊരു ന്യായവും ഞാൻ കാണുന്നില്ല.

ബസ്സ് സർവ്വീസു ഒരു വ്യാപാരവിഷയംപോലെയാണ്. ബസ്സ് സർവ്വീസ് ഉടമസ്ഥന്മാർ സാധാരണ നടത്തുന്നത്, ഓരോ ഉദ്ദേശത്തോടുകൂടിയാണ്. അതിലെ വരുമാനം കൊണ്ട് നിത്യചിലവു കഴിച്ചുകൂട്ടണമെന്നുള്ളതാണ് രണ്ടുകൂട്ടരുടേയും ഉദ്ദേശം. രണ്ടു കൂട്ടർക്കും ഗുണം ചെയ്യുകൊടുത്താൽ മത്സരമില്ലാതെയിരിക്കും. ഒരു കൂട്ടർ മാത്രം ഗുണം ചെയ്യുന്നുവെങ്കിൽ മറ്റൊരു കൂട്ടരുമായി മത്സരമുണ്ടായി വ്യാപാരത്തിന്റെ അഭിവൃദ്ധിക്ക് കുറവു നേരിടും. അങ്ങിനെ മത്സരം അധികപ്പെട്ട് ഒടുവിൽ ചായക്കുടിപ്പിച്ചും കൂടി യാത്രക്കാരെ സങ്കുരിച്ചുകൊണ്ടു പോകുവാൻ ഇടയാകും. ഇപ്പോൾ റൗണിൽ നില്ക്കുന്ന ബസ്സുകൾ അകത്തു നിന്നു പുറത്തേക്കു പോയിവന്നാൽ രണ്ടു രൂപാ ടോൾ കൊടുക്കണം. അതുപോലെ പുറത്തുനിന്നും റൗണിനകത്തേയ്ക്കു വരുന്ന ബസ്സുകൾക്കും രണ്ടു രൂപാ ടോൾ കൊടുക്കണം. അങ്ങിനെ എല്ലാ ബസ്സുകളും ഒരു യാത്ര അകത്തുനിന്നു പുറത്തേക്കു പോയിവന്നാൽ രണ്ടു രൂപാ കൊടുക്കണം. ആ ബസ്സ് നില്ക്കുന്നത് റൗണിന്നു അകത്തോ പുറത്തോ എന്നു നോക്കുന്നില്ല. മുനിസിപ്പൽ ടോൾ കൊടുക്കുന്നതിന് ആവശ്യമുള്ള രൂപാ മുൻകൂട്ടി പാക്കറ്റിൽവെച്ചുകൊണ്ടല്ല ബസ്സുടമസ്ഥന്മാർ ബസ്സ് ഓടിക്കുന്നത്. കാലത്തെ ബസ്സിൽ കയറി യാത്ര പുറപ്പെട്ടാൽ പെട്രോളിനും മോബിൽ ഓയിലിനും ചുരുത്തിനും ആവശ്യമുള്ള പണമെല്ലാം യാത്രക്കാരുടെ പാക്കറ്റിൽനിന്നാണ് വാങ്ങിക്കൊടുക്കുന്നത്. ആ സ്ഥിതിക്ക് മൂന്നുമാസത്തെ പണം ഒന്നിച്ചുകിട്ടണമെന്നുള്ള നില വന്നിട്ടു ബ്രിട്ടീഷിൽ പ്രവൃത്തിയില്ലാതെ എത്ര ബസ്സുകളാണ് ഇപ്പോൾ മുടങ്ങിക്കിടക്കുന്നതെന്ന് ആലോചിച്ചാൽ മനസ്സിലാകും. ബ്രിട്ടീഷിൽ മാസം രാ രൂപായേ ഉള്ളൂ; ഇവിടെ നൂറു രൂപാ വരുന്നുണ്ട് എന്നൊക്കെ പറഞ്ഞതുകൊണ്ടാണോ ബസ്സ് സർവ്വീസ് ഓടുകയില്ല. ബഹുമാനപ്പെട്ട മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ പറഞ്ഞതു്

# THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1023

പോലെ അവനന്റെ കടിയിരുപ്പുകൾകൂടി പണയമെഴുതിയവരാണ് മിക്ക ബസ്സടമന്മാരും. അല്ലെങ്കിൽ പക്ഷം കയ്യിലുള്ള പണം ചിലവിടവാൻ വഴിയില്ലാതെ ഇതിലേക്ക് ഇറങ്ങിത്തള്ളവരായിരിക്കണം. ഇതു രണ്ടുപറ്റാതെ വ്യാപാരവിഷയമാണെന്ന് ആരെങ്കിലും പറഞ്ഞിട്ടുള്ളതെങ്കിൽ ഇതു പാസാക്കാത്തതുകൊണ്ട് യാതൊരു വിഷയവും കാണുന്നില്ല. പുറത്തു നില്ക്കുന്നവർക്കു മാത്രം സഹായം ചെയ്തുകൊടുത്താൽ റൗണിലുള്ളവർ മത്സരത്തിന്നു പുറപ്പെടും. അതുകൊണ്ട് ഈ കാര്യം പ്രത്യേകിച്ച് ചർച്ച ചെയ്യാം. എന്റെ അഭിപ്രായത്തിൽ ഈ ബിൽ പാസാക്കാതിരിക്കുവാൻ യാതൊരു ന്യായവും കാണുന്നില്ല. ബസ്സടമന്മാർക്കു ഗുണമായി വേറെ വല്ല മാർഗ്ഗങ്ങളും വരുത്താൻ കഴിയുമെന്നു നിയമജ്ഞന്മാർ കാണുന്നുണ്ടെങ്കിൽ അതിന്നു പ്രത്യേകിച്ച് ഒരു അമൻഡ്മെൻറു കൊണ്ടുവരുന്ന കാര്യത്തിൽ ഞാൻ സന്തോഷകാരനാണെന്നു മാത്രമേ തല്ക്കാലം എനിക്കു പറയാവാനുള്ളൂ.

**Rama Varmha Tampuan**—The discussion of this subject in the afternoon has shown that the work on the part of the Government has been very much reduced. The House is now in full grasp of the fundamental principle underlying the present amendment and the House seems to realise the propriety and the relevancy of the present amendment. As the Hon'ble Members are aware, the amendment is intended to give the Municipalities or to relieve the Municipality from the obligation to issue licenses to buses that ply for hire or are kept for hire within the Municipality. Under section 50 the Municipality is bound to issue licenses once they decide to tax vehicles or carriages. Once they decide to tax vehicles or carriages which is quite a general proposition they have no other go, but to issue licenses to buses kept or let out for hire. That is section 50 of the Municipal Regulation. Till very recently the section was so interpreted by the Municipalities that buses which are only very rarely kept in the Municipality but which do work mostly outside the Municipality were not regarded as let out for hire within the Municipality with the natural result that such buses which do most of the trade outside the Municipal limits were not considered to have fallen under section 50 and, therefore, considered not to have become eligible to claim licenses so to say from the Municipality. That was the position till very recently. To give an instances there are buses plying for hire between Ernakulam and Kottayam. A bus might be leaving Ernakulam this morning. It might reach Kottayam after stopping at several halting stations somewhere towards the evening. It might halt there for the whole of the night and probably a portion of tomorrow morning as well, and start back tomorrow afternoon. It drifts back to Ernakulam by tomorrow night. In other words,

after a lapse of 24 or 36 hours a bus which has a garage in the Ernakulam Municipality having done a good deal of trade during these 36 hours in areas outside the Municipality comes back to the Municipal Limits. Such buses were till recently considered to have not fallen under section 50 and, therefore, not to have the right to get licenses from the Municipality. The decision of the Chief Court has given the right to claim licenses to these particular buses as well. That is the new situation that has arisen; and it is to meet that situation that the Government are now trying to introduce this amendment. The result of the amendment will be that the Municipalities even though they decide to have taxation on vehicles or carriages will have the liberty to refuse licenses and thereby to claim tolls.

Therefore, the main point urged by the Trichur Member, viz., that without this amendment the Municipality can easily distinguish between false and genuine cases that deserve licenses, will fail because after the decision every case will be genuine case. There will not be so to say a set of false cases which can be discriminated against by the Municipality. Even a bus which stops in the Municipality for four or five hours after a lapse of 24 or 36 hours will be eligible for license. If that be the case which will be the false case that can be denied a license? Before the decision, as the Member for Trichur puts it, there might have been genuine and bonafide cases on the one hand and false cases on the other. But after the decision the distinction fails. There will be only one class of vehicles and all of them will automatically be entitled to licenses under section 50. Therefore, any amount of vigilance on the part of the Chairman or the Municipal Council will not enable them to escape section 50 after the decision. That point has to be clearly borne in mind. Therefore, this amendment is exceedingly necessary if we want to restore to the Municipal Councils the position they were enjoying before the decision. That is a very important point.

Another point urged was that whether this amendment be passed or not the revenues of the Municipalities will not be affected. That is on the very face of it an untrue proposition. Sure as anything, when a large class of vehicles from whom tolls can be collected need not pay tolls, naturally the bid amount should fall, if not this year, certainly at the next auction.

The third point urged by the Hon'ble Member for Trichur was that the cost on account of the licenses will ultimately fall on the pockets of the traveller. That is quite true. There is no doubt about that. Ultimately when the incidental charges of

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1025

running the buses rise, naturally the fares will have to go up. But that is the fate of all types of indirect taxation and that is the very reason why indirect taxation is advocated by civilised countries. People give up direct taxation now-a-days and go to the indirect taxation as customs and things of that sort. The tax is spread over a large number of people and, therefore, the incidence of taxation is very much reduced. For example, if a twenty-seater bus plies from Ernakulam to Trippunithura four times a day it may carry 80 or 60 passengers every day. The incidence of taxation on that account can only be Rs. 1-8-0 or Rs. 1-4-0 for 60 people. The charge is, therefore, comparatively insignificant compared with the cumulative advantage which the Municipalities may derive. What the people pay is little. What the Municipality loses is by thousands. What a person has to pay on this account is only a few pies. That would show that this is a tax which cannot be foregone by any Municipality.

These were the three main points that were urged from the other side. The Member for Irinjalakuda also urged that it would be a very great thing for all the bus owners if all the tolls are abolished. That is quite true. That will be the case with car owners also. If all the tolls are abolished and if one lump fee is charged instead as is done in British India it may be a boon to all owners of vehicles and that question was considered. That means again a considerable fall in revenue both to the State as well as to the Municipality and we cannot in the present state of finances risk that loss. That is the reason why we had to stick to the present practice. Even British India is, I am told, coming back to the old system of tolls.

The other minor question of tax on petrol has absolutely nothing to do with tolls. That is a central charge collected by the Government of India at Delhi and Simla and a portion is allotted for improvement of roads. It is mainly intended for road development schemes and cannot be frittered away on the routine necessities of any Municipality. Therefore, that point either will not in any way affect the position.

Thus considered in all these aspects, so far as the general problem at the moment before the House is concerned, the amendment in question is the minimum that is required to meet the situation. We have to pass that, so that the Municipalities may have at least the position which they were occupying before the recent Chief Court decision. Otherwise the finances will be crippled and they will find it difficult even to lead a hand to

mouth existence which most of our Municipalities are now doing. I request the House to pass this amendment as it is.

**Mr. Joseph Pettah.**—Sir, I only wish to add a few words. The legal position has been made so very clear after the clear and lucid exposition by the Hon'ble Member for Chittur and the Hon'ble Secretary to the Government. I do not think that there can be any doubt as to the legal implications on the matter. That the Municipality after the decision is not in a position to refuse licenses and if they cannot refuse licenses they cannot get tolls and if they cannot get tolls they can have no money. That position is understood by all. The only material question is with regard to the financial or fiscal equity of this measure. Though I cannot quite agree with one or two remarks made by the Hon'ble Secretary that to day nations are going more and more for indirect taxation than for direct taxation. We are now having more and more of direct taxation. In England whereas previously we had 25 percent direct taxation and 75 percent of indirect taxation. The proportion is now the other way. It is clear that they are having more of direct taxation but let us not take the analogy of indirect taxation of England. That may not hold good in the case of India. In India indirect taxation may have to be preferred because the people are poor and only through an indirect taxation it can be more equitably distributed.

In this case there are three or four interests concerned. There are the passengers, there are the bus-owners and there are the municipalities. As far as the passengers are concerned is there any inequitable burden put upon them by this amendment? The first point to be remembered in this connection is that for the last 3 or 4 years they have been paying this and so this cannot be a new burden. Therefore it must be an old burden and if it is an old burden why should it be taken away from them? Again there is another relevant question. I say that the municipal rate and the bus rate as they are prevalent now, that is, with the present system of paying Rs. 2 tolls every day, is, in no way extra heavy. The rate from Trichur to Ernakulam by bus is only 13 annas which is also the railway fare. So for 46 miles the charge is only 13 annas whether you travel by the train or by bus. So passengers travelling by bus have no heavier burden than passengers travelling by train. Therefore I say the present rate are not extra-heavy nor is it an extra burden to the travelling public. Therefore if we have this amendment, it will make the old practice continue and no additional imposition is contemplated. Between Trichur and Ernakulam the old practice will continue. Therefore as regards the travelling public I do not think that there can be any exceptional burden put upon

## THE COCHIN MUNICIPAL REGULATION AMENDMENT BILL 1027

them. Some honourable members have been advocating and even pressing in the same breadth two irreconcilable propositions that this amendment will be so prejudicial to the bus-owners and at the same time prejudicial to the travelling public. These two things cannot occur at the same time. The travelling public can be seriously inconvenienced, only if the fares are increased, and if the fares are increased the bus-owners can have no inconvenience. On the contrary if the bus-owners lose, it will be realised in the form of higher rates from the public in which case they will have no loss and if the rates are not increased the public will also not lose. So both of them cannot lose at one and the same time. We find that neither of these take place at present as between Ernakulam and Trichur. They are making some profit. Therefore from the side of the bus-owners you cannot say that they are all so much struggling in the matter. If they are losing, it is not on account of this matter. If they do lose, some of them will go well to stand out and that will reduce a good deal of cut-throat competition. Very often these bus-owners suffer not on account of this toll that they pay but on account of too many services which will introduce a cut-throat competition which will ruin any other business too.

Another thing is the municipality. Here the municipalities have to lose very considerably. Remember the municipalities have to maintain their roads in proper order for these bus-services. A large sum of money has to be spent every year to keep the roads in good condition, to provide the necessary sheds and to arrange for the watering of the roads the absence of which will create a lot of nuisance to the passengers and so many other things. But in this connection the case of Ernakulam comes up. I find there is a good deal of truth in the complaint made by the Hon. member for Irinjalakuda, so far as Ernakulam is concerned. It looks absurd that the Ernakulam municipality should not allow the benefit of these roads and yet collect the tolls from them. That position is rather absurd. That we can understand. The proper remedy for this would not be to oppose this amendment but after having passed this amendment, action should be taken to see that the Ernakulam Municipality allows the proper and reasonable use of the roads for these buses that go to Ernakulam. In Trichur we have no such complaint. There we have a central station and passengers have great convenience to change from one service to another. In the case of a man coming from Chittur he can very easily catch the bus to Guruvayoor or Shoranur. It is a very great convenience to the travelling public. Something similar may be done by the Ernakulam municipality also.

While I concede there is a good deal in the complaint made by the Hon'ble Member for Irinjalakuda so far as matters obtaining at Ernakulam are concerned that should not be made a reason for opposing this amendments which stands on quite a different footing. It is not one concerning one Municipality alone; it is one concerning all the Municipalities of the State. For the sins of the Ernakulam Municipality the other Municipalities should not be penalised and should not be deprived of their legitimate income.

One point also we must remember that the Municipalities have developed in view of this additional income. They have made many commitments also and if all on a sudden they are deprived of that it will be seriously jeopardising their financial prosperity. The other that we will not suffer from this cannot stand. Anybody can understand that. The contractors made the contract seeing the possible sources of revenue. Even this year I am sure if the amendment is not passed many of the contractors will have a legal right to ask for a compensation from the Municipality because they will say that we have taken the contract on the supposition that we can collect tolls from such and such a class of buses. And since we cannot make such collections now, we are entitled for a refund. Even though they may not go to such an extent this year, I am sure that the bid for the next year will be for a much smaller amount because the sources of income will be limited. Anybody can understand this.

Then as regards the Madras practice the Hon'ble Secretary has already pointed out that the authorities there, have come to the conclusion of changing the present system. They have now opened their eyes when they saw deficits of hundreds of lakhs in their income. They have now appointed an expert officer to devise ways and means. Since they could not all on a sudden change the system they have introduced taxes on country carts and poor conveyances so as to make up their income. They have now found out that it was a mistake so far as their financial position was concerned.

Then with regard to the point urged by the Hon'ble Member for Pazhayannur there is a good deal of truth there also. The Government must see that there is no unfair advantage given to any party in the matter of trade competition. If there is to be Government legislation giving any one interest undue advantages over any other interest, then the Government is making itself a party to unfair competition. That is also a serious point. As between bus services which

THE COCHIN PRESS & REGN. OF BOOKS REGULN. AMENDT. BILL, 1929

are keeping their buses in the town and getting their licenses and the services which have their buses outside, there is this keen competition, one set of service being in advantage ground and the other without that vantage point.

Therefore, to equalise the position as between the various services, to safeguard the income of the municipalities, without any extra inconvenience on the public and without endangering the financial position of the bus owners on these grounds, we find that the present amendment is completely justified and I therefore heartily support the motion.

**Mr. Thomas Manjuran.**—I do not feel called upon to make any reply except to state that when the Hon'ble Member for Trichur was speaking I thought I would have a great lot to speak but since I find that every word of what he spoke has been rebutted by the non-official members particularly by the Hon'ble Member for Chittur, Pazhayannur and others, I do not think I need take up any more of the time of the House.

*Motion put and carried.*

**Mr. Thomas Manjuran.**—I further move that the Bill may be taken up and finally passed tomorrow.

**Mr. C. J. Mathew.**—I second it.

**Mr. A. Sankara Poduval.**—I oppose it. There is no hurry. The heavens are not going to fall down.

*Motion put and carried.*

**The Cochin Press and Registration of Books Regulation Amendment Bill.**

**Mr. Thomas Manjuran.**—For certain reasons I do not propose to present the Select Committee Report on the Cochin Press and Registration of Books Regulation Amendment Bill in this session.

**Resolutions—(contd.)**

**19. Trichur Municipal Road—(contd.)**

**President.**—We shall continue the discussion on Resolution No. 19.

**Mr. A. Sankara Poduval.**—In regard to the Resolution I have to point out that the major portion of this road passes through Vadakumnathan Deswom property. Then there is the western round road about 24 feet broad leading to a street